

JURY OF HAYWOOD TRIAL WILL BE MADE UP OF FARMERS MOSTLY



SECRETARY HAYWOOD.

PANEL MAY BE COMPLETED THURSDAY

Lack of Feeling Among Ruralists Against Unionism Unexpected.

SENATOR W. E. BORAH, For the Prosecution.

KANSAS STILL AFTER THE TRUSTS

Pullman and Western Union Companies Fall Under the Ban.

WRITS OF OUSTER THE WEAPONS USED

Corporations Must Pay Jayhawk-er's Charter Fees or Else Quit.

Topeka, Kan., May 13.—Writs of ouster were issued against the Western Union Telegraph company and the Pullman company Saturday by the supreme court of Kansas for not complying with the Kansas corporation laws. The writs require that the two companies must pay the charter fees required by the state before they can continue to do business in Kansas. It is expected that both companies will appeal the cases to the supreme court of the United States.

The Kansas corporation laws require that a foreign corporation, before it can transact business in Kansas, must first secure a license to do business from the state charter board. This license is usually granted on the payment of a charter fee based on the capital stock of the company. In the Pullman case the amount involved is about \$15,000 and in the Western Union case the amount is about \$20,000.

Why the Suit is Brought. The suits were brought not to drive the companies out of Kansas, but to compel them to pay this charter fee to the state which other foreign corporations have paid. The suit was brought by the attorney general, nearly two years ago. The two companies tried to take the case to the federal courts on the ground that the federal courts have jurisdiction over interstate commerce and that the state had no right to interfere with the business of either company.

Justice of the United States circuit court for Kansas, refused to take jurisdiction in either case, saying that no federal question was involved, as the suits were brought to enforce the payment of a state tax. A question of the right of a state to regulate the corporations doing business in Kansas. Justice H. A. Burch wrote the opinion in both cases, each comprising about fifty pages of typewritten matter.

Power of the State at Stake. The capital stock of the Western Union is given at \$100,000,000, and the Pullman company \$74,000,000. The question involved in these cases is the jurisdiction of the legislature over corporations doing an interstate business. Justice Burch, in his opinion, draws the distinction very closely between state and interstate business. He holds that the state, through its legislature, has authority to regulate absolutely a foreign corporation as well as those inside the state, and hence has authority to pass an act regulating foreign corporations.

Upholds the Bush Law. Another important feature involved in the case is whether the Bush corporation law, enacted by a popular legislature, applies to a corporation which already was doing business in the state at the time the law was enacted. The supreme court holds that a corporation must get permission from the state to continue to do business here, even though it may have been located here at the time the law was passed.

The Western Union company made strong point of the fact that the United States government had granted to the company the right to build lines along post roads and across public domain and that the transmission of government messages was under the regulation of the United States postmaster general. It was contended that, by this arrangement, the Western Union company was to a certain extent transacting postal business and could not be interfered with.

PREDICT SENSATIONS IN HAYWOOD TRIAL

Boise, Idaho, May 13.—Senator W. E. Borah has got more than about ten times as much to say about the trial in the Haywood case, counsel for the defendants in some land fraud cases set for trial in the northern part of the state this month, and it has been reported, a grand jury has voted an indictment against him on account of some alleged government land irregularities.

No special announcement of such an indictment has been made, but Borah, the United States district attorney and the federal judge have recently visited the president for the discussion of the trial.

Charges were made at the White House that the district attorney did not like Borah and had promoted indictment proceedings against him as a favor to the Western Federation of Miners, of which W. D. Haywood is secretary. This charge has not been taken root hereabouts and probably not at Washington.

With all he's not a prey to worry. A call at his office disclosed him in a room lined from door to ceiling with law books, shaping up authorities for the Haywood case. When I asked him as to the status of the trial he said: "It is not possible to forecast with any certainty the length of the trial, but in the absence of the unexpected I should consider it a fair guess that the end will be reached in the first week of July."

You are going to hear a wonderful story when the jury is finally secured. The senator. "I looked it over again last night and it is the longest I ever read. The matters involved are suggestive of the work of the Molly Maguires, but their methods, like other things in the trial, are suggestive of evolution, and here we have the latest development. I have never said that the men under arrest committed these offenses; that is a matter for the jury to decide. All that I say is that somebody did commit them, and that the disclosure will startle the entire country."

With regard to the charges against him Borah has said that he would be ready to meet any indictment against him thirty minutes after it was reported. He will probably try to secure a postponement of the land fraud cases in northern Idaho. If that is not done his clients will have to get out of counsel. With him the big issue is the Haywood case.

COURT DECIDES IN FAVOR OF UNIVERSITY

Washington, May 13.—The United States circuit court today decided in favor of the University of Wyoming in a controversy between the Wyoming Agricultural college and the University of Wyoming as to which of those institutions is entitled to the national government funds contributed to the state for the support of an agricultural college, located at Lander, which set up a claim for the \$25,000 paid by the national government for the year 1905.

The supreme court decided in favor of the university, which is located at Laramie and which maintains an agricultural department under state sanction. This decision held that the funds should continue to go to the institution until further legislation on the subject.

GUATEMALA HAS BEEN FOOLING DIAZ

President of Southern Republic Says Appearances Have Been Most Friendly.

PROPOSES ONE GOVERNMENT FOR CENTRAL AMERICA

In Case of War Mexico Would Make Short Work of It.

New York, May 13.—In the course of a lengthy interview in the City of Mexico, published in the Herald today, President Diaz gave a statement of the feeling in Mexico towards Guatemala and his ideas for remedying the conditions prevailing in the Central American republics.

He said that Mexico has throughout its trouble with Guatemala, which came very near forcing a war, maintained the attitude of a friendly power, and that attitude is still maintained. He said that if a war should become necessary, Mexico would make it a brief one.

Regarding conditions Diaz said: "I believe the best solution of the Central American problem would be an amalgamation of these countries into one strong government. Mexico is willing to co-operate with the other nations in forming a protectorate over them and in any other measure that will be beneficial to such a government."

"I want it distinctly understood, however, that Mexico wants no additional territory. It is big enough now."

WYOMING COURT SETS CASES FOR TRIAL

Cheyenne, Wyo., May 13.—In the United States district court here today E. E. McCarthy, E. M. Holbrook, E. E. Lonsbaugh and Robert McKim, who are accused of cutting timber on government land, and W. F. Brittain, ex-postmaster at Sheridan, who is charged with interfering with the federal officers, were indicted for conspiracy in the acquisition of coal lands, were arraigned and pleaded not guilty.

Holbrook, Lonsbaugh and McKim will be tried jointly on July 17. McCarthy demanded a separate trial, which is set for July 17. The cases of John C. Teller, a brother of Senator Teller of Colorado, who is accused of cutting timber on government land, and W. F. Brittain, ex-postmaster at Sheridan, who is charged with interfering with the federal officers, were indicted for conspiracy in the acquisition of coal lands, were arraigned and pleaded not guilty.

HEARING OF MRS. EDDY'S SUIT COMES UP TODAY. Concord, N. H., May 13.—This is the day set for the hearing of the three trustees in the Mrs. Eddy matter to be substituted for the actual plaintiffs in the case. The matter is before Judge Chamberlain, of the superior court.

General Streeter and P. M. Hollis, lawyers for Mrs. Eddy, absolutely refused to assent to any proposition to have depositions taken before the hearing in the court. It is known that Streeter and Hollis are confident that upon their showing the substitution will be made by the court, and in that event such depositions as might be found necessary for prosecuting the suit in equity by the three trustees would be taken under their direction.

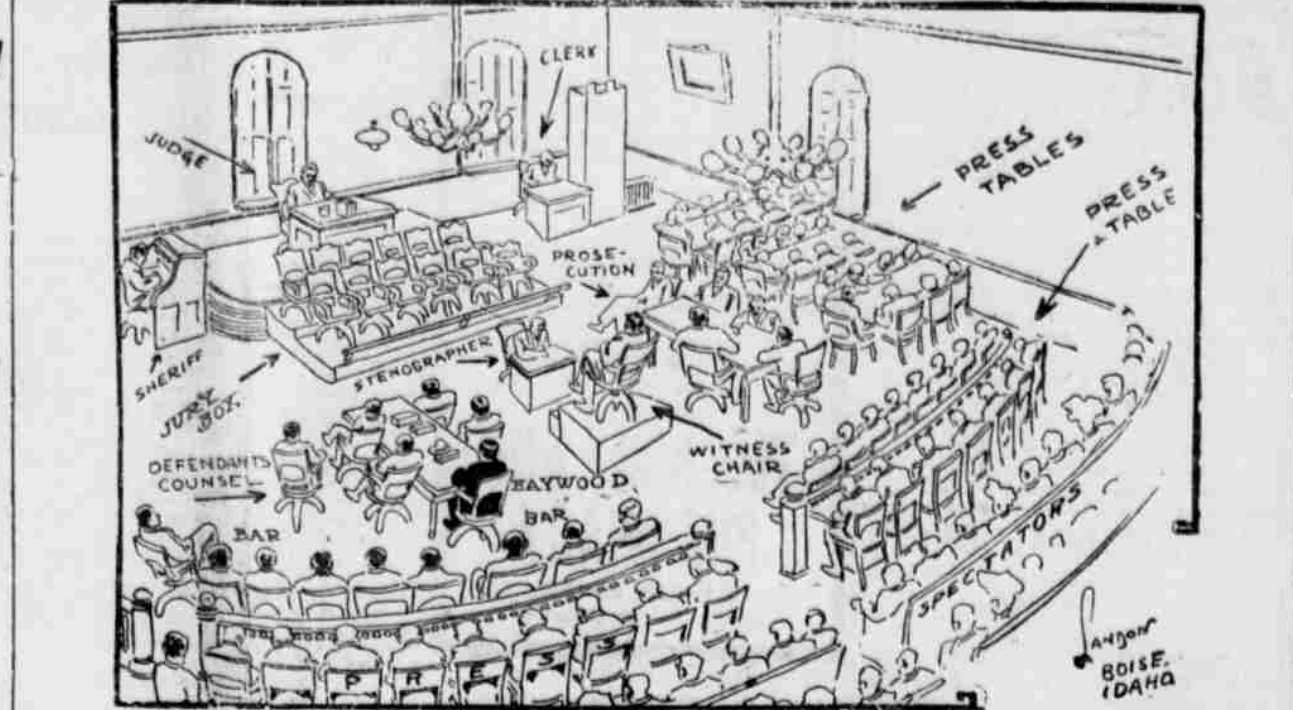
Also before the court is a motion of the trustees in which counsel for the trustees in which counsel for the trustees included among the defendants, three trustees named, and it is expected that that motion also will be disposed of today.

Pending a judicial determination as to whether the trustees shall become the actual plaintiffs or whether they shall be included with and added to the original defendants, Streeter and Hollis have taken the position that they will make no concession to the other side.

REAR ADMIRAL HEMP. HILL SAILS FOR CHINA.

Seattle, Wash., May 13.—Rear Admiral Hemp Hill today sailed for China. He is under orders from President Roosevelt to proceed to Chinese waters to take command of the third squadron of the Pacific fleet. Rear Admiral Hemp Hill was accompanied by Lieut. D. P. Menzies, who will serve as an aid on his staff.

BIRD'S EYE VIEW OF THE COURT ROOM AT BOISE, WHERE IS TAKING PLACE THE TRIAL OF SECRETARY HAYWOOD



GEORGIA ENJOINS TWO SMELTERS FROM WORKING

Works Are Charged With Being a Menace to Public Health.

FUMES KILLED VEGETATION FOR FORTY MILES AROUND

Washington, May 13.—In an opinion handed down by Justice Holmes, the supreme court of the United States today granted an injunction asked for by the state of Georgia against the Tennessee Copper company and the Ducktown Sulphur and Copper company, restraining them from operating their smelters at Ducktown, Tenn.

Both smelters are very near the Georgia line and the state of Georgia asked to have them condemned as a public and private nuisance, alleging that they constitute a menace to health and life and were the source of a great injury to the vegetation of the country in a radius of forty miles.

The first report of the shooting was brought by two boys, who notified the police. They quickly informed Under Sheriff Fred Heyn. Heyn arrived at the Martinez home at 12:20 p. m., where he found Mrs. Martinez and Deputy Constable Francisco de Lopez. Mrs. Martinez's story of the trouble is as follows:

"Juan came home about 11 o'clock, drunk. I was washing our clothes. He started to quarrel. I tried to keep him quiet. He cursed me and finally drew the revolver and pointed it at my forehead. Luckily the gun did not go off. I then embraced him and as I did so the gun went off close to my left hand. My arm was powder burned."

Mrs. Martinez stoutly maintained that she had had no trouble with her husband. The neighbors said they had apparently lived happily together, and why Martinez should want to shoot his wife was beyond their reasoning.

Under Sheriff Heyn said that Martinez bore a good reputation, and up to several months ago he had worked at the Santa Fe machine shops as a machinist.

While working there he broke an arm and since then has been unemployed. "I think he will surrender when he gets sobered up," said Under Sheriff Heyn. "He has a good reputation, is an industrious man and seldom gets drunk. Why Martinez should want to shoot his wife I can't understand. They must have had some trouble, of which she declines to talk."

According to a story told Justice of the Peace Chavez, whose office is at Harelas proper, the Martinezes separated about six months ago and afterward reunited. Mrs. Martinez denied that there had been any trouble between them.

At 2:30 o'clock this afternoon two deputy sheriffs and two constables were searching the vicinity of the shooting for Martinez. The officers looking for the man are Deputy Sheriffs C. Coulter and Montoya. Constable Lopez is assisting them, with an extra constable.

SOCIALISTS PLAN TO NOMINATE JERSEY GOVERNOR. Trenton, N. J., May 13.—The socialists of the state of New Jersey are planning to run a man for governor of that state on June 18, and to that end have called a state convention from all parts of the state. There is a large representation of the socialist party. This is a new departure of socialism, and is the result of active war during the past three years, in which the socialists have made rapid strides forward in the state.

FRESH AIR FUND OF BROOKLYN GETS LEFT. Brooklyn, N. Y., May 13.—The Pouch mansion is the scene today and will be every day and night this week of a lively effort to raise a large sum for the fresh air fund. This fund was originated last year by the St. Vincent de Paul society, which gave some fifteen hundred children two weeks' vacation at Port Jefferson. Quite recently the Vincents purchased the well known Woodcliff Inn, which they have fitted as a summer house and the funds raised this week by the bazaar will be devoted to paying for these improvements. There is a general disposition to help pay for these expenditures in the cause of poor children.

COLORADO OBSERVING LAXING AT JAMESTOWN.

Denver, Colo., May 13.—The legislature having passed a resolution for the observance of the 300th anniversary of the landing at Jamestown, the event is being observed in every large town in the state, and especially in this city and in Colorado Springs. The Colorado Dames, Colorado branch, asked the introduction of a resolution.

WOULD-DE WIFE SLAYER POOR SHOT

John Martinez Fired at Woman—Powder Burned Her Arm and She Swooned.

WAS FULL OF BOOSE BUT MADE ESCAPE

As she stooped over a tub washing their clothing, shortly before noon today, Mrs. Anna Martinez narrowly escaped death at the hands of her husband, Juan Martinez, a machinist, who fired a shot at her from a revolver. The powder from the pistol burned her arm and the bullet passed within an inch of her body. She fell to the floor in a swoon.

Thinking she was dead, Martinez, still clutching the pistol, sprang through the door of his home in Harelas and fled.

Neighbors who saw him go were afraid to interfere. Martinez, who has heretofore borne a good reputation, was seized with drink and acted like a mad man.

Mrs. Martinez, who remained consciousness, said she did not know of any motive for the attempt upon her life.

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ONE MAN KILLED ON OHIO CENTRAL

Washington, May 13.—A collision between a passenger train and a freight train on the Ohio Central railway today resulted in the death of one man and the injury of several others.

CITY OF CLEVELAND BURNS IN HER DOCK

Fire Is Thought to Have Been the Work of incendiaries.

TOTAL LOSS IS PLACED AT \$700,000

Detroit, May 13.—The magnificent new passenger steamer, the City of Cleveland, under construction at the ship yards of the Detroit Ship company, was swept by fire today and is a total loss.

The loss is about \$700,000. It is suspected that the fire was incendiary. The steamer was intended to be the finest sidewheeler in the United States on fresh water.

Her interior woodwork, all of which was destroyed, was unusually beautiful. Her whole cost would have been \$1,250,000 had she been completed.

DISOBEYING OF ORDERS CAUSES DEATH OF THREE

Engineer Killed, Fireman Fatally Hurt and Three Tramps Are Injured.

COMMENCEMENT OF NEW MEXICO INSTITUTE

El Paso Boy Among Class of Fourteen Who Graduate at Roswell This Year.

Roswell, N. M., May 13.—The commencement exercises of the New Mexico Military Institute are to take place May 19 to 22.

The graduating class this year numbers 14, comprising the following cadets: William M. Belt and Nathaniel Gammon of Lordsburg, N. M.; Walter Coppinger, San Angelo, Texas; J. Elliott Doyle, Mexico, Texas; Robert Garrett, Santa Fe, N. M.; Donald W. Hamilton, Roswell; Jacob M. Harlan, Fort Bayard, N. M.; Harold L. Hill, El Paso; Rex Kennard, Grandview, Texas; Albert C. Miller, Cleveland, Ohio; Juffa Miller, Roswell; Henry F. Powell, Espanola, N. M.; Jack A. Stewart, Tucuman, N. M.; and Jones Tallaferra, Jr., White Oaks, N. M.

The sermon to the cadets is to be by Rev. H. pastor of the Christian church of Roswell, on Sunday, May 19, and Dr. William Frederick Stocum, president of Colorado College will deliver the address to the graduating class on Wednesday night, May 22.

CELEBRATING THE LANDING AT JAMESTOWN. Somerville, Mass., May 13.—Somerville is celebrating today the three hundredth anniversary of the landing at Jamestown. Mayor Charles A. Gleason presided at the anniversary meeting in Broadway Congregational church. City Librarian Sam Walters Foss, the well known poet, read an original poem on the event. Rev. R. W. Wallcut made the address on "The Old National Homestead," the story of Jamestown.

FUNERAL TRAIN FOR THE DEAD

Victims of Santa Barbara Wreck Will Be Carried Home In Cars Covered With Crepe.

32 LIVES THE COST OF DEFECTIVE SWITCH

All Were Shriners From Pennsylvania, Ohio and Western New York.

San Francisco, May 13.—Three trains, bearing Shriners, arrived from the scene of the wreck near Santa Barbara, where thirty-two Shriners lost their lives Saturday.

The passengers all agree in the statement that it was the most deplorable sight they had ever seen. The wreck occurred at 2:35 in the afternoon on the Southern Pacific, five miles south of Surf, and was caused by a defective switch, while the train was running at a velocity of fifty miles an hour.

Four of the front cars of the train jumped the track and were literally smashed to pieces.

The train caught fire, but was extinguished by passengers of the two last coaches who were uninjured. Besides the dead more than a score were injured.

The victims were all Shriners, whose homes were in Pennsylvania, Ohio and western New York.

THE DEAD LIST. Following is a list of the dead now in the Santa Barbara morgue: S. A. BICKFORD, brakeman, of San Francisco.

J. DOUGLASS HIPPLE, Potentate Rajah temple, Reading, Pa. H. K. COTTERMAN, Reading, Pa. A. L. ROTH, Reading, Pa. C. GILBERT STEFFE, Reading, Pa. D. WASSON, Buffalo, N. Y. CHARLES HENRY, of Lebanon, Pa.

JOHN W. CUTLER, Binghamton, New York. MRS. J. W. CUTLER, Binghamton, N. Y. CHARLES M. LOWING, Pullman conductor, Reading, Pa. W. AUSTIN, New York, agent for McCann's Tourist company. JOHN LACY, negro dining car waiter. R. W. SWEENEY, negro dining car waiter. MRS. WILLIAM W. ESSICK, Reading, Pa.

MRS. CORA YOUNG, Cleveland. MRS. BRUMACH, Reading, Pa. GEORGE F. HAGENMAN, Reading, Pa. BENJAMIN STOLZ, Reading, Pa. HARRISON HENDEL, Reading, Pa. OLIVER T. KAUFFMAN, HENRY MILLER. The following dead are at San Luis Obispo: S. S. SNYDER, Reading, Pa. MRS. S. SNYDER, Reading, Pa. RICHARD ESTES, Reading, Pa. THOMAS J. BRUNLAUCH, Reading, Pa. MISS STOLZ, Reading, Pa. MISS ELLENBOGEN, Alhambra, Pa. LOUIS N. ELLENBOGEN, Alhambra, Pa. HOWARD MILLER, Hazleton, Pa.

ALONZO B. ROGERS, St. Paul, Pullman car conductor. UNIDENTIFIED WOMAN, probably Mrs. Mary C. Ivins, Reading, Pa. The following injured persons are at the San Luis Obispo hospital: R. Fountain, brakeman, missing last night, was brought to this city this morning. His back is injured and the lower part of his body paralyzed. Fountain crawled a hundred yards to flag the section following and later was picked up and was conveyed to this city this morning.

W. H. Boyd, of Reading, Pa., badly scalped. Martin L. Henry, Shamokin, Pa., injured spine and severely scalped. H. A. Hartzel, El Paso, Pa., severely scalped and fractured leg. J. Logan, Buffalo, N. Y., leg fractured and three ribs broken. H. A. Hartzel, El Paso, Pa., severely scalped and fractured leg. Charles McKinney, Binghamton, N. Y., back injured. Mrs. McKinney, severely bruised about the body.

Mrs. Fred Gammon, Binghamton, N. Y., ankle broken. A. H. Ruppel, Bessie Point, N. Y., severely bruised about neck. Engineer Champlain, badly scalped. Fireman Glen Thompson, face, arms and internal injuries.

Mrs. Head and daughter, Helen, of Reading, Pa., not serious. J. Galvin Hoffert, of Reading, Pa., left leg fractured, scalp wound. F. H. Hoffert, of Reading, Pa., left leg fractured, scalp wound.

FUNERAL TRAIN TO CARRY THE DEAD. Santa Barbara, Cal., May 13.—A funeral train to carry the bodies of victims of the Monday wreck to their former homes in the east is being made up and will leave Santa Barbara tomorrow. The inquiry is finished this afternoon.

There have been no more deaths among the injured. Total number of dead is thirty-two.

CHARGED HE ASSAULTED HIS OWN CHILD

Special to The Evening Citizen. Phoenix, Ariz., May 13.—Lazarus Varon, an elderly native of this city, is in jail here charged with the heinous crime of assaulting his own child, a pretty little girl, aged 11 years. He was arrested by a constable yesterday and strenuously denied the charge against him.

At the time Varon was arrested, he was partly intoxicated and he was in the house where Varon lives with his two children. Several women, attracted by the screams of the little girl, looked over a fence and saw her struggling with the man who should have been her protector. They then telephoned for an officer.